

ISSUANCE OF PATENT TO MARGARET PADGETT FOR CERTAIN PUBLIC LANDS.

JUNE 15, 1910.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BYRD, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 25569.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 25569) to authorize a patent to be issued to Margaret Padgett for certain public lands therein described, having had the same under consideration, respectfully submit the following report:

That the bill be amended as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized to accept the final proof offered by Margaret Padgett on homestead entry numbered thirty-five thousand seven hundred and seventy-seven, covering the west half of the northeast quarter, the southeast quarter of the northeast quarter, and the northwest quarter of the southeast quarter of section nineteen, township two north, range seven east, Choctaw meridian, Mississippi, which was rejected as not showing sufficient five-year residence, as a commutation proof and issue patent on same upon the payment of the commutation price of one dollar and twenty-five cents per acre.

And as thus amended it is recommended that the bill do pass.

The beneficiary of this measure is a widow with a family of five children. Her proof shows clearly that she made an earnest effort to maintain a home for herself and children upon her homestead, but owing to the fact that the homestead was only partly improved she was compelled to spend a part of her time in the cultivation of another tract some miles distant from the homestead, with the result that in reviewing the homestead proof it was held that the residence was not sufficient, although it was shown to be continuous, except for brief periods.

The proof would undoubtedly have been sufficient as a commutation proof, and the committee is of the opinion that as a matter of justice and equity the proof should be accepted as a commutation proof upon the payment of the commutation price.

DEPARTMENT OF THE INTERIOR,
Washington, May, 19, 1910.

SIR: I have received your letter of the 14th instant inclosing for report H. R. 25569, for the relief of Margaret Padgett.

This bill authorizes the Secretary of the Interior to grant a patent to Margaret Padgett for the W. $\frac{1}{4}$ of NE. $\frac{1}{4}$, the SE. $\frac{1}{4}$ NE. $\frac{1}{4}$, and NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, Sec. 19, T. 2 N., R. 7 E., Choctaw meridian, in Smith County, in the State of Mississippi, upon final proof now on file in the General Land Office in homestead entry No. 35777.

The committee has also informally requested that a copy of the final proof submitted by the claimant, a copy of the decision of the General Land Office of April 27, 1909, by which the entry was held for cancellation, a copy of the department's decision of October 23, 1909, affirming the decision of the General Land Office, and a copy of the decision of the last-named office of January 31, 1910, finally canceling the entry and closing the case, should accompany this report.

I have the honor to advise you that the record shows that the land above described was entered by Margaret Padgett September, 1 1900, as homestead entry 35777, Jackson, Miss., series, upon which entry commutation proof was submitted March 16, 1903, but suspended for supplemental evidence; that in September, 1903, a special agent of the General Land Office was directed to make an investigation of the entry, but no report was received from him; that in November, 1905, while the commutation proof was pending and more than five years after date of entry, the claimant submitted final proof upon which register's certificate No. 19143, was issued November 2, 1905. It further appears that the money paid to the local office at the time of the submission of commutation proof was returned to the claimant. By letter of September 10, 1906, the General Land Office directed another special agent to make an investigation of the entry, and on February 25, 1908, an adverse report having been submitted, the local officers at Jackson were directed to institute proceedings against the entry in accordance with the circular of November 25, 1907 (36 L. D., 178), the charges being that the claimant had not established and maintained residence on the land in accordance with the requirements of the homestead laws.

The claimant having denied the charges and asked for a hearing, the same was had, the testimony being taken before the chancery clerk at Raleigh, Miss., July 27, 1908, at which time and place the Government was represented by a special agent, and the claimant appeared both in person and by counsel. The testimony of the witnesses taken at that time showed conclusively that the claimant had not lived upon the land in accordance with the homestead laws. One witness, J. A. Parker, a near neighbor, testified that for a long time he lived within a mile of the land and that the claimant did not reside thereon, but lived in the vicinity in a house upon other land. A special agent also testified that when he made his investigation in February, 1908, Mrs. Padgett admitted to him that during the lifetime of her entry she lived a part of the time at her husband's old place and a part of the time on the land in question; that she did not know exactly the quantity of time she spent on the claim, but it was not more than two visits a month during the lifetime of the entry.

Claimant testified at the hearing that she had spent practically all of her time upon her claim until she submitted final proof in November, 1905. Her testimony, however, was inconsistent with her final proof and with the statements made by other witnesses, and it was also contradicted by the affidavit which she had made before the special agent, and which was offered in evidence at the hearing.

The papers requested informally are submitted herewith, and while the final proof shows that claimant had complied with the law, it will be seen by reference to the decisions that this proof was false, because the testimony taken at the hearing showed that she had failed to comply with the requirements of the law.

In view of the foregoing I can not recommend the enactment of the bill, but inasmuch as it is possible that claimant relinquished her entry after the department's decision was rendered, upon advice that she could be allowed to make a second entry, I would offer no objection to the enactment of a law authorizing her to acquire title by making entry and complying with the requirements of the homestead law as to residence and cultivation. If the claimant really desires to make a home on the land, such a law would afford her ample protection, and it is not believed that she is entitled to any further relief.

Very respectfully,

R. A. BALLINGER,
Secretary.

HON. FRANK W. MONDELL,
*Chairman Committee on Public Lands,
House of Representatives.*

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 27, 1909.[United States *v.* Margaret Padgett. Reversed. Entry held for cancellation.]

GENTLEMEN: On September 1, 1900, Margret Padgett made H. E. No. 35777 for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ NE. $\frac{1}{4}$, and NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ of sec. 19, T. 2 N., R. 7 E., Choctaw meridian. Commutation proof was submitted on said entry March 16, 1903, but was suspended and supplemental evidence called for. Final proof was submitted and register's final certificate issued November 2, 1905.

On September 24, 1903, Special Agent Hammer was directed to make investigation of this entry, but it appears that no report was received from him.

By letter P of September 10, 1906, you were directed to cause investigation to be made of this entry. On February 25, 1908, an adverse report was submitted by a special agent and a hearing was ordered by letter P of March 30, 1908, in accordance with the circular of November 25, 1907. The claimant was notified that a special agent had charged that she had never established and maintained residence on the land. Under date of May 1, 1908, claimant filed her sworn statement denying the charges and asking for a hearing.

The parties in interest were directed to appear before the chancery clerk at Raleigh, Smith County, Miss., July 27, 1908, and submit testimony. At said time and place the Government was represented by Special Agent Gauss, and claimant appeared with counsel. Only three witnesses were examined—one J. O. Parker and the special agent on behalf of the Government and the claimant in her own behalf.

Parker testified that for about a year prior to November, 1901, he lived within 1 mile of this entry, and that the claimant did not reside upon the land, but lived in the vicinity thereof at another house. He testified that several years later he visited the land and found claimant residing there.

The special agent testified that he had made an investigation of this claim on February 11, 1908, and that Mrs. Padgett admitted to him that during the lifetime of her entry she had lived part of the time at her husband's old place and part of the time on the land in question. She stated that she did not know exactly the amount of the time spent on her claim, but that it was not more than two visits a month during the lifetime thereof.

Mrs. Padgett testified in her own behalf that she spent practically all the time upon her claim from September, 1900, until she made final proof, November 2, 1905, with the exception of two visits to the railroad station and other places. She stated that it was her home; that she had made improvements for that purpose and had cultivated about 2 acres of land; that the house was on the land at the time she made entry.

The final proof shows that there was a log house upon the land about 16 by 18 feet, a well, and a small barn, and that about 1 or 2 acres had been fenced and cultivated. The total value of the improvements amounted to about \$175.

In the first proof submitted, which was suspended, the claimant had not answered the question as to whether or not she had lived continuously upon the land, and a supplemental affidavit was called for. This affidavit was furnished, in which she stated that she had not resided continuously upon the land because of the lack of water, but that she had resided most of the time thereon.

Special Agent Gauss filed Mrs. Padgett's affidavit, which was taken by him February 11, 1908, on the occasion of his investigation of her entry. In said affidavit she stated that "I am unable to say what part of the time I stayed on the land. When I was planting and gathering my crop, I would stay on the land sometimes a week or two at a time. * * * I did not stay on the land more than two nights a month, but I did the best I could."

The attorney for claimant protested against the hearing, on the ground that claimant was entitled to the benefit of the act of March 3, 1891 (26 Stat., 1095), and that said statute was a bar to this proceeding.

On September 21, 1908, you rendered your decision, holding that proceedings were not barred by the act of March 3, 1891, and that the charges had not been sustained. You, therefore, recommended that the proceedings be dismissed. In your decision you also held that the affidavit of the claimant submitted in evidence by Special Agent Gauss was not admissible. This was error on your part, as the affidavit was clearly admissible as affecting the credibility of the witness. (See 22 L. D., 619.)

Upon careful consideration of the record, this office is of the opinion that the evidence shows that claimant did not maintain such residence upon the land as contemplated

by the law, to the exclusion of a home elsewhere. Your decision is, therefore, reversed, and the entry held for cancellation.

Notify the parties in interest hereof, and in due season report the action taken.

Very respectfully,

FRED DENNETT, *Commissioner*.

REGISTER AND RECEIVER,
Jackson, Miss.

HOMESTEAD PROOF—TESTIMONY OF WITNESSES.

James O. Parker, being called as witness in support of the homestead entry of Margaret Padgett for NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$, and W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$, S. 19, T. 2 N., R. 7 E., testifies as follows:

1. Q. What is your name, age, and post-office address?—A. James O. Parker, age 60 years, post-office, Raleigh, Miss.

2. Q. Are you well acquainted with the claimant in this case and the land embraced in her claim?—A. I am well acquainted with claimant in this case, and the land in her claim.

3. Q. Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?—A. Said tract is not within the limits of any town or site or used in any way for trade or business.

4. Q. State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.—A. Ordinary farming land.

5. Q. When did claimant settle upon the homestead, and at what date did she establish actual residence thereon?—A. Claimant settled upon the land in August, 1899, and established actual residence thereon in September, 1900.

6. Q. Have claimant and family resided continuously on the homestead since first establishing residence thereon?—A. Claimant and family have resided continuously on the lands since first establishing residence thereon.

7. Q. For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?—A. Settler has not been absent since making settlement for any purpose.

8. Q. How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon?—A. Settler has cultivated 2 acres of the land and she raised crops thereon for five seasons.

9. Q. What improvements are on the land, and what is their value?—A. One dwelling house, \$100; well and garden, \$25; one stable, \$20; clearing and fencing 2 acres of land, \$30; total, \$175.

10. Q. Are there any indications of coal, salines, or minerals of any kind on the homestead?—A. There are no indications of mineral of any kind on said land.

11. Q. Has the claimant mortgaged, sold, or contracted to sell any portion of said homestead?—A. Claimant has not mortgaged, sold, or contracted to sell any portion of said land.

12. Q. Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?—A. I am not interested in this claim. I think settler has acted in good faith in this entry.

JAMES O. PARKER.

I hereby certify that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 31st day of October, 1905, at my office at Raleigh, in Smith County, Miss.

(See note on fourth page.)

[SEAL.]

R. A. CLARK, *Chancery Clerk*.

Mack C. Johnson, being called as witness in support of the homestead entry of Margaret Padgett for NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ and W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$, S. 19, T. 2 N., R. 7 E., testifies as follows:

1. Q. What is your name, age, and post-office address?—A. Mack C. Johnson, age 26 years, Raleigh, Miss.

2. Q. Are you well acquainted with the claimant in this case and the land embraced in her claim?—A. I am well acquainted with claimant in this case and the land embraced in her claim.

3. Q. Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?—A. Said tract is not within the limits of any town, or used in any way for trade or business.

4 Q. State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.—A. Ordinary farming land.

5. Q. When did claimant settle upon the homestead, and at what date did she establish actual residence thereon?—A. Claimant settled upon the homestead in August, 1899, and established actual residence thereon September, 1900.

6. Q. Have claimant and family resided continuously on the homestead since first establishing residence thereon?—A. Claimant and family have resided continuously on the land since first establishing residence thereon.

7. Q. For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?—A. Settler has not been absent from the land since making settlement for any purpose.

8. Q. How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon?—A. Settler has cultivated 2 acres of the land and she raised crops thereon for five seasons.

9. Q. What improvements are on the land, and what is their value?—A. One dwelling house, \$100; well and garden, \$25; one stable, \$20; clearing and fencing 2 acres of land, \$30; total, \$175.

10. Q. Are there any indications of coal, salines, or minerals of any kind on the homestead?—A. There are no indications of minerals of any kind on said land.

11. Q. Has the claimant mortgaged, sold, or contracted to sell any portion of said homestead?—A. Claimant has not mortgaged, sold, or contracted to sell any part of said land.

12. Q. Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?—A. I am not interested in this claim. I think settler has acted in good faith in this entry.

MACK C. JOHNSON.

I hereby certify that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 31st day of October, 1905, at my office at Raleigh, in Smith County, Miss.

(See note on fourth page.)

[SEAL.]

R. A. CLARK, *Chancery Clerk.*

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Margret Padgett, being called as a witness in her own behalf in support of homestead entry No. 35777, for NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ and W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$, sec. 19, T. 2 N., R. 7 E., testifies as follows:

1. Q. What is your name, age, and post-office address?—A. Margret Padgett, age 50 years, post-office, Raleigh, Miss.

2. Q. Are you a native-born citizen of the United States; and if so, in what State or Territory were you born?—A. I am a native-born citizen of the United States, born in Mississippi.

3. Q. Are you the identical person who made homestead entry No. 35777, at the Jackson, Miss., land office on the 1st day of September, 1900, and what is the true description of the land now claimed by you?—A. I am the identical person who made above entry of the following land: NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ and W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ sec. 19, T. 2 N., R. 7 E.

4. Q. When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)—A. My house was built on the land August, 1899, and I established actual residence September, 1900; one dwelling house, 16 by 18 feet, and well and garden, and stable 10 by 12 feet; cleared and fenced; 2 acres land; \$175.

5. Q. Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon?—A. Myself and six children; we have resided continuously on the land since first establishing residence thereon.

6. Q. For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?—A. I have not been absent from the homestead since making settlement for any purposes.

7. Q. How much of the land have you cultivated each season, and for how many seasons have you raised crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed, and by whom owned.—A. I have cultivated 2 acres of the land each season and raised crops thereon for five seasons.

8. Q. Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?—A. My present claim is not within limits of any town or city or used in any way for trade or business.

9. Q. What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.—A. Ordinary agricultural land—most valuable for farming.

10. Q. Are there any indications of coal, salines, or minerals of any kind, on the land?—A. There are no indications of mineral of any kind on said land.

11. Q. Have you ever made any other homestead entry?—A. I have never made any other entry.

12. Q. Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?—A. I have not sold, conveyed, or mortgaged any portion of said land.

13. Q. Have you any personal property of any kind elsewhere than on this claim?—A. I have no personal property of any kind elsewhere than on this claim.

14. Q. Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.—A. I have not made any other entry since August 30, 1890.

MARGRET PADGETT.

I hereby certify that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this 31st day of October, 1905; at my office at Raleigh, in Smith County, Miss.

(See note below.)

[SEAL.]

R. A. CLARK,
Chancery Clerk.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the following section of the Revised Statutes, and state to him that it is the purpose of the Government, if it be ascertained that he testified falsely, to prosecute him to the full extent of the law.

[Title LXX.—CRIMES.—Ch. 4.]

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

I, Margret Padgett, having made a homestead entry of the NW $\frac{1}{4}$ of SE. $\frac{1}{4}$ and W. $\frac{1}{4}$ of NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ section No. 19, in township No. 2 N., of range No. 7 E., subject to entry at Jackson, Miss., under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. — of the Revised Statutes of the United States; and for that purpose do solemnly swear that I am a native-born citizen of the United States; that I have made actual settlement upon and have cultivated and resided upon said land since the — day of September, 1900, to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States.

MARGRET PADGETT.

I, R. A. Clark, clerk of the chancery court, do hereby certify that the above affidavit was subscribed and sworn to before me this 31st day of October, 1905, at my office at Raleigh, in Smith County, Miss.

[SEAL.]

R. A. CLARK, Chancery Clerk.

(Indorsed:) Homestead proof. Land office at Jackson, Miss. Original application No. 35777. Final certificate No. 19343. Approved: November 2, 1905. Fred W. Collins, register. Thomas V. McAllister, receiver. Currency, \$5; com., \$0.75—\$5.75. Receiver's office, Jackson, Miss. Filed this 2d day of November, 1905, at the hour of 9 o'clock a. m. Commissions \$4, 1158 W, \$1.75—\$5.75.

STATE OF MISSISSIPPI, Smith County:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Miss., J. M. Little, who, after being duly sworn by me on oath, says he is well acquainted with the land embraced in the homestead entry of Mrs. Margret Padgett, No. 35777, for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 19, T. 2 N., R. 7 E., Choctaw meridian, in Smith County, Miss., made September 1, 1900, and he says that he was a neighbor to Mrs. Padgett from 1890 to 1904, and that he has been on the land embraced in her entry several times each year, and there were valuable improvements made by Mrs. Padgett on the land, and that he saw crops growing on the land each year from the date of her entry till the date of her final proof, and he saw her house furniture in the house that was on the land, and saw Mrs. Padgett living there.

Mrs. Padgett made her homestead entry with the intention of complying with every requirement of the homestead law, and she thought she had complied with them in every respect, and she done all in her power, the best she understood the requirements of the homestead laws, to comply with them.

I am not related to her either by blood or marriage and have no interest in the land, nor in her affairs.

J. M. LITTLE.

STATE OF MISSISSIPPI, Smith County:

Personally appeared before me, W. D. Cook, a notary public in and for Mize, Miss., J. M. Little, who acknowledged that he signed the foregoing instrument and that the matters and things stated in said instrument are true as therein stated.

Witness my hand this April 27, 1910.

[SEAL.]

W. D. COOK, Notary Public.

STATE OF MISSISSIPPI, Smith County:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Miss., R. W. Royals, who states under oath that he has known Mrs. Margret Padgett for a period of fifteen years, and he knows her to be a high-toned, honorable lady, and believes that she has done everything that she thought was required of her by the homestead law in perfecting her title to her homestead; and I feel fully confident that any statement that she will make concerning said homestead will be honest and in good faith.

R. W. ROYALS.

Personally appeared before me, the undersigned authority, in and for the town of Mize, Miss., the within-named R. W. Royals, who acknowledged that he signed the foregoing instrument and that the statements therein are true and correct.

Witness my hand and seal of office this the 27th day of April, 1910.

[SEAL.]

W. D. COOK, Notary Public.

STATE OF MISSISSIPPI, Smith County:

Personally appeared before me, W. D. Cook, a notary public of the town of Mize, Miss., W. J. Steward, who, after being by me duly sworn, says on oath that he lived for five years about 2 miles from Mrs. Margret Padgett's, and I know her to be a truthful woman and a lady of good reputation, and that she made her homestead entry in good faith to obtain a title from the Government to said land honestly, and I believe she done all that she thought was required of her by the homestead laws in order to obtain a title to said land.

W. J. STEWARD.

Sworn to and subscribed before me this the 27th day of April, 1910.

[SEAL.]

W. D. COOK, Notary Public.

STATE OF MISSISSIPPI, Smith County:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Miss., George W. Sherman, who after being duly sworn, says on oath that he has lived seven years within two miles of Mrs. Margret Padgett's, and I know her to be a truthful and honorable lady, and I am well acquainted with the land embraced in her homestead entry No. 35777 and I know she made valuable improvements on it and cultivated some of the land for 5 years, and that she lived on the land as much as she honestly thought that was required of her by the homestead laws in order to

perfect her title to the land, and that she made her said entry in good faith to honestly comply with all the requirements of the homestead laws.

I am not related to her either by blood or marriage, and have no interest in the land or in her affairs.

GEO. W. SHERMAN.

Sworn to and subscribed before me this the 27th, day of April, 1910.

[SEAL.]

W. D. Cook, *Notary Public*.

STATE OF MISSISSIPPI, *Smith County*:

Personally appeared before me W. D. Cook, a notary public in and for the town of Mize, Miss., F. M. Martin, who on oath says that during the last fifteen years he lived a close neighbor to Mrs. Margret Padgett, the greater part of the time, and he knows the land well that she homesteaded, having been on it every few weeks during the last fifteen years, the land being the W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ sec. 19, T. 2 N., R. 7 E., Choctaw meridian, in Smith County, Miss., and Mrs. Padgett made her homestead entry in the utmost good faith, and done all in her power, the best she knew how, to comply with the homestead laws, and she thought that she had complied with the homestead laws in every respect.

I am not related to her either by blood or marriage, and have no interest in the land or in her affairs.

F. M. MARTIN.

Sworn to and subscribed before me, a notary public in and for said county and State, this 27th day of April, 1910.

[SEAL.]

W. D. Cook, *Notary Public*.

STATE OF MISSISSIPPI, *Smith County*:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Smith County, Miss., M. M. Bishop, who on oath says that he has lived a neighbor to Mrs. Margret Padgett twenty-five years, and that he is well acquainted with the land that she homesteaded on September 1, 1900, being the W. $\frac{1}{2}$ NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$, sec. 19, T. 2 N., R. 7 E., Choctaw meridian, in Smith County, Miss., and I know she made her homestead in good faith, and she done all in her power to comply with the homestead laws, and she thought that she had fully complied with the homestead laws in every respect.

Mrs. Padgett is a woman who is thought well of by her neighbors, and all who know her. I am not related to her by blood or marriage.

M. M. (his x mark) BISHOP.

Sworn to and subscribed to before me, a notary public in and for said county and State, this 27th day of April, 1910.

[SEAL.]

W. D. Cook, *Notary Public*.

STATE OF MISSISSIPPI, *Smith County*:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Miss., S. V. Little, who after being duly sworn, says on oath that for the last twenty years he has lived a close neighbor to Mrs. Margret Padgett, and that he knows the land well that she homesteaded; that he has been on the land embraced in her entry every few weeks during the last twenty years; that she made entry for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$ and SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ and NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, sec. 19, T. 2 N., R. 7 East Choctaw Meridian, Smith County, Miss.

Mrs. Padgett made her homestead entry in entire good faith to comply with all the requirements of the homestead laws and did all in her power—the best she understood the homestead laws—to comply with them fully, and she thought that she had complied with the homestead laws in every respect.

I am not related to her either by blood or marriage, and am not interested in the land in any way, nor in her affairs.

S. V. LITTLE.

Sworn to and subscribed to before me, a notary public in and for the town of Mize, said county and State, witness my hand and seal of office this 27th day of April, 1910.

[SEAL.]

W. D. Cook, *Notary Public*.

STATE OF MISSISSIPPI, *Smith County*:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Miss., J. H. Johnson, who, after being by me duly sworn, says on oath that he is a neighbor of Mrs. Margret Padgett, and that he has lived a neighbor to her for over twenty years, and that he is acquainted with the land embraced in her homestead entry, No. 35777, for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$, sec. 19, T. 2 N., R. 7 E., Choctaw meridian, in Smith County, Miss. That Mrs. Padgett had valuable improvements on said land, and lived on same a good deal, and she done all in her power to comply with the requirements of the homestead laws; and she thought that she had honestly complied with all the requirements of the homestead laws when she made her final proof.

I am not related to Mrs. Padgett either by blood or marriage, and have no interest in her affairs or in this land.

J. H. JOHNSON.

Personally appeared before me the undersigned authority in and for the town of Mize, Miss., the within named J. H. Johnson, who acknowledged that he signed the foregoing instrument, and that the statements therein are true and correct.

Witness my hand and seal of office this the 27th day of April, 1910.

[SEAL.]

W. D. Cook, *Notary Public*.STATE OF MISSISSIPPI, *Smith County*:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Miss., James Hopkins, who, after being by me duly sworn, says on oath that he has known Mrs. Margret Padgett for the last ten years, and that she made her homestead entry, No. 35777, for the W. $\frac{1}{2}$ NE. $\frac{1}{4}$, SE. $\frac{1}{4}$ NE. $\frac{1}{4}$, NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 19, T. 2 N., R. 7 E., Choctaw meridian, in Smith County, Miss., in the utmost good faith, with the intention of complying honestly with the requirements of the homestead laws in every respect, and that she complied with the homestead laws the best she could and knew how, and that she honestly thought that she had done all that the law required of her when she made her final proof.

JAMES HOPKINS.

Personally appeared before me the undersigned authority, in and for the town of Mize, Miss., the within named James Hopkins, who acknowledged that he signed the foregoing instrument, and that the statements therein are true and correct.

Witness my hand and seal of office this the 27th day of April, 1910.

[SEAL.]

W. D. Cook, *Notary Public*.STATE OF MISSISSIPPI, *Smith County*:

Personally appeared before me, W. D. Cook, a notary public in and for the town of Mize, Miss., A. D. Brown, who, after being duly sworn, says on oath that he has been a neighbor to Mrs. Margret Padgett for twenty years and that he is acquainted with the land embraced in her homestead entry.

Mrs. Padgett made her said entry with the intention of complying honestly with every requirement of the homestead laws, and that she done all in her power to comply with the requirements of the homestead laws as best she could, and she thought that she had done all that the law required of her.

She had valuable improvements on the land and had cultivated some of the land. I am not related to Mrs. Padgett either by blood or marriage.

A. D. BROWN, *Notary Public*.

Personally appeared before me the undersigned authority in and for the said county and State, the within-named A. D. Brown, who acknowledged that he signed the foregoing instrument, and that the statements therein are true and correct.

Witness my hand and seal of office this the 27th day of April, 1910.

[SEAL.]

W. D. Cook, *Notary Public*.

